

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/15/2017
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	16-CR-776 (VEC)
-against-	:	
	:	<u>ORDER</u>
	:	
JOSEPH PERCOCO,	:	
a/k/a "Herb,"	:	
ALAIN KALOYEROS,	:	
a/k/a "Dr. K,"	:	
PETER GALBRAITH KELLY, JR.,	:	
a/k/a "Braith,"	:	
STEVEN AIELLO,	:	
JOSEPH GERARDI,	:	
LOUIS CIMINELLI,	:	
MICHAEL LAIPPLE, and	:	
KEVIN SCHULER,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on December 13, 2017, Defendants Percoco, Kelly, Aiello, and Gerardi (the "January Defendants") and the Government appeared for a conference with this Court; and

WHEREAS at the December 13, 2017 conference, the Court arraigned the January Defendants on the Second Superseding Indictment; and

WHEREAS at the December 13, 2017 conference, the Court ruled orally on the parties' motions in limine and discovery disputes;

IT IS HEREBY ORDERED that the Court adopts the following schedule for all remaining pretrial matters. **To the extent that this schedule conflicts with any deadlines set orally at the December 13, 2017 conference, this schedule shall control.**

**I. Exhibits**

No later than **December 22, 2017**, the January Defendants must produce to the Government an exhibit list and copies of the exhibits that they intend to use in their case-in-

chief. While the Court understands that exhibits may change, failure to comply substantially and in good faith with this Order may result in preclusion of the exhibits at trial.

No later than **December 22, 2017**, the Government and the January Defendants must submit to the Court their exhibit lists and copies of exhibits that they intend to use in their cases-in-chief. The exhibits must be submitted electronically (in the format most convenient for the parties) and in tabbed, hard-copy binders containing indexes. The exhibit lists must be submitted in both PDF and Microsoft Word format. Each exhibit list must be a chart with four columns labeled: "Exhibit Number," "Document Description," "Identified," and "Admitted" (with the last two columns left blank).

## **II. Witnesses**

No later than **December 15, 2017**, the Government must provide to the January Defendants a list of witnesses it will definitely call during its case-in-chief. No later than **December 26, 2017**, the Government must submit to the January Defendants and to the Court a complete witness list for its case-in-chief.

No later than **December 18, 2017**, the January Defendants must produce to the Government any Rule 16 discovery relating to expert witnesses they intend to call. If the Government intends to call rebuttal expert witnesses, it must provide appropriate discovery no later than **December 26, 2017**. If any party intends to move to preclude an expert witness, it must be prepared to discuss the reason for preclusion at the Final Pretrial Conference.

No later than **December 22, 2017**, the Government must produce to the Court the § 3500 and *Giglio* materials for the witnesses it intends to call in its case-in-chief. The Government must do so electronically (in the format most convenient) and in tabbed, hard-copy binders with an index.

**III. Juror Questionnaire**

No later than **December 20, 2017**, the parties must confer and submit a joint proposed juror questionnaire via ECF. The parties must also submit the proposed questionnaire to the Court in both PDF and Microsoft Word format. By the same date, the parties must also submit any request for extra peremptory strikes.

**IV. Trial Indictment**

No later than **December 15, 2017**, the Government must submit a redacted, trial indictment to the January Defendants and to the Court.


**V. Final Pretrial Conference**

The Government and the January Defendants must appear for a Final Pretrial Conference on **December 28, 2017 at 2:00 p.m.** in Courtroom 443, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY. The parties are hereby informed that they must be prepared to review juror questionnaires and submit for-cause challenges to the Court during the week of **January 2, 2018**. The Court will discuss jury selection procedures in further detail at the Final Pretrial Conference.

The Clerk is respectfully directed to terminate the open motions at Dkts. 342, 343, 346, 347, 348, 350, and 391.

**SO ORDERED.**

**Dated: December 15, 2017**  
**New York, NY**

  
**VALERIE CAPRONI**  
**United States District Judge**